



PATENT
Customer No. 22,852
Attorney Docket No. 06028.0027-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
François COTTARD et al.)	Group Art Unit: 1751
)	
Application No.: 10/688,970)	Examiner: E. Elhilo
)	
Filed: October 21, 2003)	Confirmation No.: 4185
)	
For: OXIDATION DYEING COMPOSITION)	
FOR KERATIN FIBERS COMPRISING)	
A CATIONIC POLY(VINYLLACTAM))	
AND AT LEAST ONE C ₁₀ -C ₁₄ FATTY)	
ALCOHOL, METHODS AND DEVICES)	
FOR OXIDATION DYEING)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached listing. This Supplemental Information Disclosure Statement is being filed concurrently with a Request for Continued Examination but is Supplemental to the Information Disclosure Statement already of record. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003) that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicant should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicant is not representing that the office actions in the co-pending applications are material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed substantive office actions from co-pending applications on the attached PTO 1449 and has enclosed copies of the documents as well. At the Examiner's request, Applicant has not included copies of the office actions from co-pending applications issued by the Examiner of this application.

Copies of the listed foreign and non-patent literature documents, including any co-pending applications, are attached. Copies of the U.S. patents and U.S. patent application publications are not enclosed. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **DE 23 59 399** - This document is believed to be related to U.S. Patent No. RE 30,199.
2. **DE 38 43 892 A1** - This document is believed to be related to U.S. Patent No. 5,061,289.
3. **DE 41 33 957 A1** - This document is believed to be related to U.S. Patent No. 5,380,340.
4. **DE 195 43 988 A1** - This document is believed to be related to U.S. Patent No. 5,766,576.
5. **EP 0 080 976** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
6. **FR 1 400 366** - This document is believed to be related to GB Patent No. 1 021 400, submitted herewith.
7. **FR 1 492 597** - This document is believed to be related to U.S. Patent No. 3,472,840.
8. **FR 1 583 363** - This document is believed to be related to U.S. Patent No. 3,632,559.
9. **FR 2 077 143** - This document is believed to be related to U.S. Patent No. 3,910,862.
10. **FR 2 080 759** - This document is believed to be related to U.S. Patent No. 3,912,808.

11. **FR 2 162 025** - This document is believed to be related to U.S. Patent Nos. 3,917,817 and 4,013,787.

12. **FR 2 190 406** - This document is believed to be related to U.S. Patent Nos. 3,912,808 and 3,986,825.

13. **FR 2 252 840** - This document is believed to be related to U.S. Patent Nos. 4,172,887; 4,189,468; and 4,277,581.

14. **FR 2 270 846** - This document is believed to be related to U.S. Patent Nos. 4,217,914; 4,422,853; 4,948,579; and 5,196,189.

15. **FR 2 280 361** - This document is believed to be related to U.S. Patent No. 4,013,787.

16. **FR 2 316 271** - This document is believed to be related to U.S. Patent Nos. 4,197,865 and 4,608,250.

17. **FR 2 320 330** - This document is believed to be related to U.S. Patent Nos. 4,075,136 and 4,166,894.

18. **FR 2 336 434** - This document is believed to be related to GB Patent No. 1 546 809, submitted herewith.

19. **FR 2 368 508** - This document is believed to be related to U.S. Patent Nos. 4,189,468 and 4,277,581.

20. **FR 2 383 660** - This document is believed to be related to U.S. Patent Nos. 4,445,521; 4,719,099; 4,803,221; 5,009,880; and 4,240,450.

21. **FR 2 393 573** - This document is believed to be related to U.S. Patent Nos. 4,165,367 and 4,223,009.

22. **FR 2 413 907** - This document is believed to be related to U.S. Patent No. 4,349,532.

23. **FR 2 470 596** - This document is believed to be related to U.S. Patent Nos. 4,996,059 and 5,958,392.

24. **FR 2 505 348** - This document is believed to be related to U.S. Patent No. 4,761,273.

25. **FR 2 519 863** - This document is believed to be related to U.S. Patent Nos. 5,139,037 and 5,089,252.

26. **FR 2 542 997** - This document is believed to be related to U.S. Patent No. 4,591,610.

27. **FR 2 598 611** - This document is believed to be related to U.S. Patent No. 4,839,166.

28. **FR 2 733 749** - This document is believed to be related to U.S. Patent Nos. 6,099,592; 6,338,741 B1; and 6,645,258 B2, and U.S. Patent Application Publication Nos. US 2002/0050013 A1 and US 2003/0019051 A9.

29. **FR 2 750 048** - This document is believed to be related to U.S. Patent No. 6,099,593.

30. JP 2-19576 - An abstract of the disclosure of this document can be found in the English language abstract submitted herewith.

31. JP 9-110659 - An abstract of the disclosure of this document can be found in the English language abstract submitted herewith.

32. WO 94/08969 - This document is believed to be related to U.S. Patent No. 5,663,366.

33. WO 94/08970 - This document is believed to be related to U.S. Patent No. 5,534,267.

34. WO 96/15765 - This document is believed to be related to U.S. Patent No. 6,284,003 B1.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

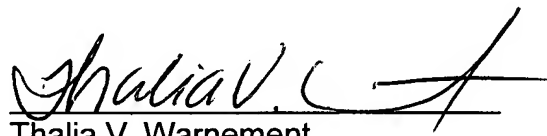
Attorney Docket No. 06028.0027-00
Application No. 10/688,970

If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:

A handwritten signature in black ink, appearing to read "Thalia V. Warnement", with a long horizontal flourish extending to the right.

Thalia V. Warnement
Reg. No. 39,064

Date: December 5, 2005

Substitute for form 1449A/PTO

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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of

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Application Number

10/688,970

Filing Date

October 21, 2003

First Named Inventor

François COTTARD

Art Unit

1751

Examiner Name

E. Elhilo

Attorney Docket Number

06028.0027-00000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US-2,261,002	10-28-1941	Ritter	
	2	US-2,271,378	01-27-1942	Searle	
	3	US-2,273,780	02-17-1942	Dittmar	
	4	US-2,375,853	05-15-1945	Kirby et al.	
	5	US-2,388,614	11-06-1945	Kirby et al.	
	6	US-2,454,547	11-23-1948	Bock et al.	
	7	US-2,528,378	10-31-1950	Mannheimer	
	8	US-2,781,354	02-12-1957	Mannheimer	
	9	US-2,961,347	11-22-1960	Floyd	
	10	US-3,206,462	09-14-1965	McCarty	
	11	US-3,227,615	01-04-1966	Korden	
	12	US-3,472,840	10-14-1969	Stone et al.	
	13	US-3,632,559	01-04-1972	Matter et al.	
	14	US-3,836,537	09-17-1974	Boerwinkle et al.	
	15	US-3,874,870	04-01-1975	Green et al.	
	16	US-3,910,862	10-07-1975	Barabas et al.	
	17	US-3,912,808	10-14-1975	Sokol	
	18	US-3,917,817	11-04-1975	Vanlerberghe et al.	
	19	US-3,929,990	12-30-1975	Green et al.	
	20	US-3,966,904	06-29-1976	Green et al.	
	21	US-3,986,825	10-19-1976	Sokol	
	22	US-4,001,432	01-04-1977	Green et al.	
	23	US-4,005,193	01-25-1977	Green et al.	
	24	US-4,013,787	03-22-1977	Varlerberghe et al.	
	25	US-4,025,617	05-24-1977	Green et al.	
	26	US-4,025,627	05-24-1977	Green et al.	
	27	US-4,025,653	05-24-1977	Green et al.	
	28	US-4,026,945	05-31-1977	Green et al.	
	29	US-4,027,020	05-31-1977	Green et al.	
	30	US-4,031,307	06-21-1977	DeMartino et al.	
	31	US-4,075,136	02-21-1978	Schaper	
	32	US-4,131,576	12-26-1978	Iovine et al.	
	33	US-4,157,388	06-05-1979	Christiansen	
	34	US-4,165,367	08-21-1979	Chakrabarti	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Complete if Known

Application Number	10/688,970
Filing Date	October 21, 2003
First Named Inventor	François COTTARD
Art Unit	1751
Examiner Name	E. Elhilo
Attorney Docket Number	06028.0027-00000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

35	US-4,166,894	09-04-1979	Shaper	
36	US-4,172,887	10-30-1979	Vanlerberghe et al.	
37	US-RE 30,199	01-29-1980	Rose et al.	
38	US-4,189,468	02-19-1980	Vanlerberghe et al.	
39	US-4,197,865	04-15-1980	Jacquet et al.	
40	US-4,217,914	08-19-1980	Jacquet et al.	
41	US-4,223,009	09-16-1980	Chakrabarti	
42	US-4,240,450	12-23-1980	Grollier et al.	
43	US-4,277,581	07-07-1981	Vanlerberghe et al.	
44	US-4,349,532	09-14-1982	Vanlerberghe et al.	
45	US-4,422,853	12-27-1983	Jacquet et al.	
46	US-4,445,521	05-01-1984	Grollier et al.	
47	US-4,591,610	05-27-1986	Grollier	
48	US-4,608,250	08-26-1986	Jacquet et al.	
49	US-4,702,906	10-27-1987	Jacquet et al.	
50	US-4,719,099	01-12-1988	Grollier et al.	
51	US-4,719,282	01-12-1988	Nadolsky et al.	
52	US-4,761,273	08-02-1988	Grollier et al.	
53	US-4,803,221	02-07-1989	Bair	
54	US-4,839,166	06-13-1989	Grollier et al.	
55	US-4,948,579	08-14-1990	Jacquet et al.	
56	US-4,996,059	02-26-1991	Grollier et al.	
57	US-5,009,880	04-23-1991	Grollier et al.	
58	US-5,061,289	10-29-1991	Clausen et al.	
59	US-5,089,252	02-18-1992	Grollier et al.	
60	US-5,139,037	08-18-1992	Grollier et al.	
61	US-5,143,518	09-01-1992	Madrange et al.	
62	US-5,196,189	03-23-1993	Jacquet et al.	
63	US-5,380,340	01-10-1995	Neunhoeffter et al.	
64	US-5,534,267	07-09-1996	Neunhoeffter et al.	
65	US-5,663,366	09-02-1997	Neunhoeffter et al.	
66	US-5,766,576	06-16-1998	Löwe et al.	
67	US-5,868,800	02-09-1999	Cotteret et al.	
68	US-5,958,392	09-28-1999	Grollier et al.	
69	US-6,099,592	08-08-2000	Vidal et al.	
70	US-6,099,593	08-08-2000	Terranova et al.	

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
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				Art Unit	1751
				Examiner Name	E. Elhilo
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	71	US-6,284,003 B1	09-04-2001	Rose et al.	
	72	US-6,338,741 B1	01-15-2002	Vidal et al.	
	73	US-2002/0050013 A1	05-02-2002	Vidal et al.	
	74	US-2003/0019051 A9	01-30-2003	Vidal et al.	
	75	US-6,645,258 B2	11-11-2003	Vidal et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁸
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	75	DE 23 59 399	06-12-1975	Rose et al.		No
	76	DE 38 43 892 A1	06-28-1990	Clausen et al.		No
	77	DE 41 33 957 A1	04-15-1993	Neunhoeffer et al.		No
	78	DE 195 43 988 A1	05-28-1997	Löwe et al.		
	79	EP 0 080 976	06-08-1983	Moldovanyi		Abstract
	80	EP 01 122 324 A1	10-24-1984	Desai		
	81	EP 0 337 354 A1	10-18-1989	Kamegai et al.		
	82	FR 1 400 366	04-20-1965	Rouet		No
	83	FR 1 492 597	08-18-1967	Stone et al.		No
	84	FR 1 583 363	10-24-1969	Matter		No
	85	FR 2 077 143	10-15-1971	G A F Corporation		No
	86	FR 2 080 759	11-19-1971	The Gillette Company		No
	87	FR 2 162 025	07-13-1973	Vanlerberghe et al.		No
	88	FR 2 190 406	02-01-1974	The Gillette Company		No
	89	FR 2 252 840	06-27-1975	Vanlerberghe et al.		No
	90	FR 2 270 846	12-12-1975	Jacques et al.		No
	91	FR 2 280 361	02-27-1976	Vanlerberghe et al.		No
	92	FR 2 316 271	01-28-1977	Jacquet et al.		No
	93	FR 2 320 330	03-04-1977	Calgon Corporation		No
	94	FR 2 336 434	07-22-1977	Ciba-Geigy AG		No
	95	FR 2 368 508	05-19-1978	Vanlerberghe et al.		No
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	97	FR 2 393 573	01-05-1979	GAF Corporation		No
	98	FR 2 413 907	08-03-1979	Vanlerberghe et al.		No
	99	FR 2 470 596	06-12-1981	Grollier et al.		No
	100	FR 2 505 348	11-12-1982	Grollier et al.		No

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/688,970
				Filing Date	October 21, 2003
				First Named Inventor	François COTTARD
				Art Unit	1751
				Examiner Name	E. Elhilo
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	101	FR 2 519 863	07-22-1983	Grollier et al.		No
	102	FR 2 542 997	09-28-1984	Grollier		No
	103	FR 2 598 611	11-20-1987	Grollier et al.		No
	104	FR 2 733 749	11-08-1996	Vidal et al.		No
	105	FR 2 750 048	12-26-1997	Terranova et al.		No
	106	GB 1 021 400	03-02-1966	L'Oréal		
	107	GB 1 026 978	04-20-1966	Schwarzkopf Verwaltung G.M.B.H.		
	108	GB 1 153 196	05-29-1969	Schwarzkopf Verwaltung G.M.B.H.		
	109	GB 1 546 809	05-31-1979	CIBA-GEIGY Ag		
	110	JP 2-19576	01-23-1990	Kawase et al.		Abstract
	111	JP 9-110659	04-28-1997	Heriberuto et al.		Abstract
	112	WO 94/08969	04-28-1994	Neunhoeffer et al.		No
	113	WO 94/08970	04-28-1994	Neunhoeffer et al.		No
	114	WO 96/15765	05-30-1996	Rose et al.		No
	115	WO 00/67282	11-16-2000	Jachowicz et al.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ⁷	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
	116	Co-pending U.S. Patent Application No. 10/690,696, filed October 21, 2003 (Attorney Docket No. 06028.0028-00000).	
	117	Co-pending U.S. Patent Application No. 10/688,958, filed October 21, 2003 (Attorney Docket No. 06028.0029-00000).	
	118	M.R. Porter. BSc, PhD, CChem, MRSC, "Handbook of Surfactants," Blackie & Sons Ltd., Glasgow & London, 1991, pp. 116-178.	
	119	English language Derwent Abstract of EP 0 080 976, June 8, 1983.	
	120	English language abstract of JP 2-19576, January 23, 1990.	
	121	English language abstract of JP 9-110659, April 28, 1997	

Examiner Signature		Date Considered	
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